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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,818	09/05/2003	Timothy B. Bothwell	BOTHW-001CB	9411

7663 7590 05/13/2005

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
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CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,818	BOTHWELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alvin C. Chin-Shue	3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)       |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>Fig. 7 of pat.no. 6,131,700.</u> |

*2/1*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,6,13 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Farmer. Farmer shows an end connector 700 with a finger at 712, and a plank 800.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,7,8,11,12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer in view of EP pat. '612 to Buttgerit. Farmer shows the claimed assembly with the exception of the plurality of fingers. Buttgerit in figs. 3A-3C shows an end cap having a plurality of fingers with notches therebetween inserted in a plank with a matching number of cavities. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farmer for his end connector to comprise a plurality of fingers and for his plank to

comprise a like number of cavities, as taught by Buttgereit, for securing his end connector to his plank.

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer in view of De Vaney. Farmer shows the claimed assembly with the exception of the reinforcing plate. De Vaney shows an embedded plate at 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end connector of Farmer to comprise an embedded plate, as taught by De Vaney, for reinforcing his connector.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer in view of Waters. Farmer shows the claimed assembly with the exception of the fasteners. Waters shows fasteners at 14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farmer to comprise fasteners, as taught by Waters, for securing his connector to the plank.

Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer in view of EP. Pat. '885 to Langer. Farmer shows the claimed assembly with the exception of the locking clip. Langer shows a locking clip at 21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end connector of Farmer to comprise a locking clip, as taught by Langer, for securing his connector to a scaffolding frame.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer and Buttgerit as applied to claim 7 above, and further in view of EP. Pat. '476 to Grund. Grund shows a plank wherein both the top and bottom surfaces have textured surfaces. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the bottom surface with a textured surface as taught by Farmer at 308, to enable both of his surfaces to slip resistance, as taught by Grund.

Applicant's arguments filed 2/14/05 have been fully considered but they are not persuasive. With respect to the De Varney reference, it should have been De Vaney 2,225,737. With respect to Farmer and independent claims 1 and 13, Farmer shows all the claimed elements. Note the attached fig.7 of Farmer showing a main body, finger and two arms.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Alvin Chin-Shue**  
Primary Examiner

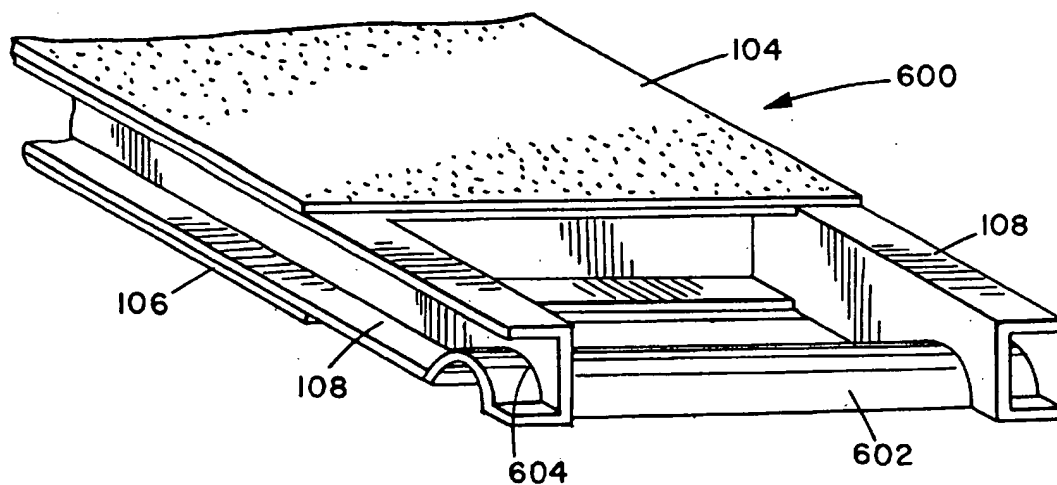


FIG. 6

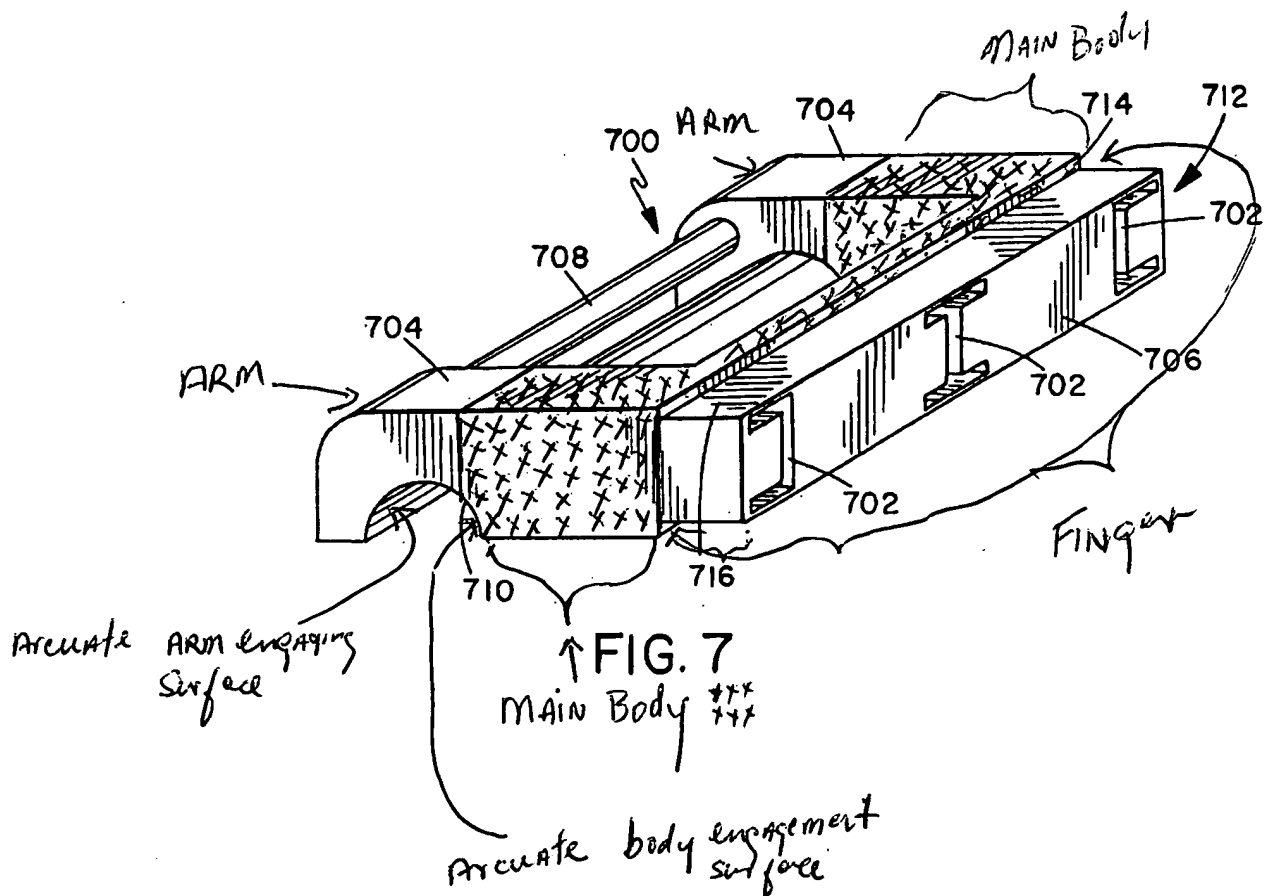


FIG. 7